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REMARKS

The present response is intended to be fully responsive to all points of objection and/or rejection raised by the Examiner and is believed to place the application in condition for allowance. Favorable reconsideration and allowance of the application is respectfully requested.

Applicants assert that the present invention is new, non-obvious and useful. Prompt consideration and allowance of the claims is respectfully requested.

Status of Claims

Claims 1 - 33 are pending in the application. Claims 1 - 33 have been rejected. Claims 1, 14 and 20 have been amended.

Applicants respectfully assert that the amendments to the claims add no new matter.

CLAIM REJECTIONS

35 U.S.C. § 102 Rejections

In the Office Action, the Examiner rejected claims 1- 18 and 20-33 under 35 U.S.C. § 102, as being anticipated by US Patent No. 5,400,267 to Denen et al. ("Denen"). Applicants respectfully traverse this rejection in view of the remarks that follow.

Applicants' independent claim 1, as amended, includes, inter alia, "a swallowable in-vivo device comprising an internal battery; and an operation blocker disposed in said swallowable in vivo device". In order for a reference to anticipate a claim under 35 USC 102, the reference must teach every element of the claim being rejected. Applicants assert that Denen does not teach or describe a swallowable in-vivo device comprising an internal battery and an operation blocker disposed in the swallowable in vivo device, as is required by Applicants' independent claim 1 as amended. Applicants therefore assert that independent claim 1, as amended, is not anticipated by Denen. Applicants respectfully request that the Examiner withdraw the rejection of independent claim 1, as amended, as being anticipated by Denen.

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As discussed, Applicants' independent claim 1 is allowable. Dependent claims 2-13 depend from independent claim 1, as amended and thereby include all of the elements of such claims, respectively. Applicants therefore respectfully request that the Examiner withdraw his rejection of dependent claims 1-13.

Applicants' independent claim 20, as amended, includes, inter alia, a "swallowable in vivo device". In order for a reference to anticipate a claim under 35 USC 102, the reference must teach every element of the claim being rejected. Applicants assert that Denen does not teach or describe a swallowable in vivo device, as is required by Applicants' independent claim 20 as amended. Applicants therefore assert that independent claim 20, as amended, is not anticipated by Denen. Applicants respectfully request that the Examiner withdraw the rejection of independent claim 20, as amended, as being anticipated by Denen.

As discussed, Applicants' independent claim 20 is allowable. Dependent claims 21-26 depend from independent claim 20, as amended and thereby include all of the elements of such claims, respectively. Applicants therefore respectfully request that the Examiner withdraw his rejection of dependent claims 21-26.

Applicants' independent claim 14, as amended, includes, inter alia, "a non-volatile circuit to prevent reactivation of said device". Applicants assert that Denen does not teach or suggest a non-volatile circuit to prevent reactivation of a device. The invention in Denen teaches an internal or non-volatile memory to for example "store the utilization history of the medical equipment on an on-going basis, including for example, an accumulated procedure count or use count . . ." (col. 3, lines 42-47). The internal memory in Denen is written with use data and later read by the controller to compare or evaluate the use data to usage limits. The memory is not part of the blocking process, such blocking process in Denen being done by the external controller or "external control module" (col. 4, line 48). Applicants therefore assert that independent claim 14, as amended, is not anticipated by Denen, in that Denen does not teach a non-volatile circuit to prevent reactivation, but rather a controller to read a memory and on the basis of the read data, to prevent an activation. Furthermore, the separation in Denen of the memory from the controller is crucial in that the memory is housed in the in vivo device, while the controller is in the external controller.

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Applicants' dependent claims 15 -18 depend from independent claim 14, as amended, and include all of the elements of such independent claim 14, as amended. Applicants therefore respectfully request that the Examiner withdraw the rejection of dependent claims 15 -18 as being anticipated by Denen.

Applicants' independent claim 27, includes, inter alia, "preventing the operation of said autonomous in-vivo sensing device upon the satisfaction of a specified condition." Applicants assert that Denen does not teach or suggest preventing the operation of said autonomous in-vivo sensing device upon the satisfaction of a specified condition. The invention described by Denen may include an in vivo element, such as a blade or other item to be used in vivo, but such in vivo portion is described as connected to an control apparatus or control module (col. 4, line 30, line 49,). As described in Denen, the control module for example, "prevents the power supply from delivering power to the equipment" (col. 4, line 54) or otherwise operates the blocking function of the device. Denen therefore teaches an in vivo memory, but with a blocker that is located ex vivo, in that the controller of the invention in Denen is consistently described as external (see col. 6, line 8-11, 16-17, 24, 28, 33-34, 37-39, and 44-47). Denen therefore does not teach or describe "an autonomous in vivo device" as is required in Applicants' independent claim 27 since the device is both connected to an outside element, i.e the controller, and the controller itself is not in vivo. Applicants therefore assert that independent claim 27, as amended, is not anticipated by Denen. Applicants respectfully request that the Examiner withdraw the rejection of independent claim 27, as amended, as being anticipated by Denen.

As discussed, Applicants' independent claim 27 is allowable. Dependent claims 28-33 depend from independent claim 27, and thereby include all of the elements of such claim. Applicants therefore respectfully request that the Examiner withdraw his rejection of dependent claims 28-33.

35 U.S.C. § 103 Rejection

In the Office Action, the Examiner rejected claim 19 under 35 U.S.C. § 103(a), as being unpatentable over Denen in light of US Pat. No. 6,204,746 to Kane ("Kane"). Applicants respectfully traverse the rejection of claim 19 under 35 U.S.C. § 103(a), as being

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unpatentable over Denen in light of Kane. As discussed above, claim 1 is allowable over Denen. Kane does not cure the deficiencies of Denen.

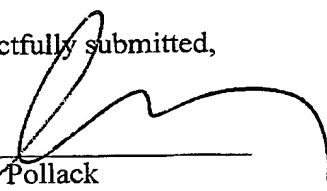
An obviousness rejection requires a teaching or a suggestion by the relied upon prior art of all the elements of a claim (M.P.E.P. §2142). Since neither Denen nor Kane, alone or in combination, teach or suggest all the elements of dependent claim 19, Applicants' request that a prima facie case of obviousness has not been established. Applicants therefore request that Examiner withdraw his rejection of claim 19 as being obvious under Denen in light of Kane.

In view of the foregoing amendments and remarks, the pending claims are deemed to be allowable. Their favorable reconsideration and allowance is respectfully requested.

Should the Examiner have any question or comment as to the form, content or entry of this Amendment, the Examiner is requested to contact the undersigned at the telephone number below. Similarly, if there are any further issues yet to be resolved to advance the prosecution of this application to issue, the Examiner is requested to telephone the undersigned counsel.

The fees for the three month extension of time are being paid separately. No other fees are believed to be due in connection with this paper. However, if any other fees are due, please charge any fees associated with this paper to deposit account No. 50-3355.

Respectfully submitted,



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Dated: December 19, 2005

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